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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA  
 ex rel. PEGGY THORNTON, Relator,  
 and  
 PEGGY THORNTON,  
 Plaintiffs,

vs.

PORTOLA DEL SOL OPERATOR, LLC,  
 14 a foreign limited-liability company;  
 TMIF II PORTOLA, LLC, a foreign limited-  
 15 liability company; APARTMENT  
 MANAGEMENT CONSULTANTS, LLC,  
 16 a foreign limited liability company, and  
 RENE RICHARDSON, as AGENT of  
 17 PORTOLA DEL SOL OPERATOR, LLC.,  
 Defendants.

Case No.: 2:21-cv-01123-APG-BNW

**STIPULATION AND ORDER TO STAY  
 DISCOVERY PENDING RULING ON  
 PENDING MOTIONS TO DISMISS  
 (SECOND REQUEST)**

Defendants TMIF II Portola, LLC (“TMIF”) and Apartment Management Consultants, LLC  
 (“AMC”), Rene Richardson (“Richardson”), and Plaintiff Peggy Thornton (“Thornton”)  
 (collectively, “Parties”), by and through their attorneys, hereby agree, stipulate, and request that the  
 Court stay all discovery in this action, pending the Court’s ruling on Defendants’ Motions to  
 Dismiss. This is the Parties’ second request to stay discovery.

...

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To recap, TMIF filed its Motion to Dismiss requesting Thornton’s Complaint be dismissed for failure to state a claim upon which relief can be granted. *See* ECF Nos. 38 and 56. The Parties’ deadline to file the proposed Discovery Plan was July 23, 2023. *See* ECF No. 57. The Parties, therefore, stipulated to stay discovery pending the outcome of TMIF’s Motion to Dismiss. *See* ECF No. 63. The Court granted the Parties’ stipulation and stayed discovery. ECF No. 64. Therein, Court ordered that “the remaining Parties” shall “file a proposed Discovery Plan to” the Court “14 days after the Court rules on TMIF’s Motion to Dismiss.” *Id.* at 3:2-3. The Court granted TMIF’s Motion to Dismiss and Thornton “may file an amended complaint by December 8, 2023, if facts exist to do so.” ECF No. 73 at 7:8-9. Thornton timely filed her First Amended Complaint. *See* ECF No. 75. TMIF then filed its motion to dismiss, ECF No. 81, Thornton opposed, ECF No. 88, and TMIF filed its reply in support of its motion, ECF No. 94. AMC and Richardson similarly filed their motion to dismiss, ECF No. 85, Thornton opposed, ECF No. 93, and AMC and Richardson filed their reply in support of its motion, ECF No. 95. On April 2, 2024, the Court issued a Minute Order, ordering the Parties to file a new Discovery Plan and Scheduling Order in 14 days or by April 16, 2024.

The Parties have conferred regarding potential discovery and agree that TMIF’s, AMC’s, and Richardson’s Motions to Dismiss can be decided without further discovery and good cause exists to stay discovery until this Court issues a ruling on TMIF’s, AMC’s, and Richardson’s pending Motions to Dismiss. Good cause exists to stay discovery because: (1) a stay will prevent all Parties –including Thornton who is represented by Nevada Legal Services– from incurring potentially unnecessary discovery expenses given TMIF, AMC, and Richardson may potentially be dismissed from this case; and (2) a stay will allow and prevent an undue burden on the Parties by participating in potentially unnecessary discovery with TMIF, AMC, and Richardson.

The remaining Parties in the case will again confer and submit a proposed Discovery Plan, as necessary, within 14 days of the Court’s ruling on TMIF’s, AMC’s, and Richardson’s Motions to Dismiss.

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Accordingly, the Parties respectfully request the Court enter an order (1) extending the deadline for the remaining Parties to file a proposed Discovery Plan to 14 days after the Court rules on TMIF's Motion to Dismiss (ECF Nos. 81 and 94) along with AMC and Richardson's Motion to Dismiss (ECF Nos. 85 and 95), and (2) staying discovery pending the ruling on TMIF's, AMC's, and Richardson's Motions to Dismiss. The stipulation is made in good faith and not for purposes of delay.

DATED this 10th day of April, 2024.

NEVADA LEGAL SERVICES, INC.

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**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE

DATED: 4/11/2024